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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 18

Applicant: Thomas J. Lochtefeld

Patent No.: 5,236,280

Issue Date: August 17, 1993

Title: METHOD AND APPARATUS FOR IMPROVING SHEET FLOW WATER RIDES

Serial No.: 577,741

Filed: September 4, 1990

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks, Washington D.C. 20231 on:

March 4, 1996  
(Date of Deposit)

J. John Shimazaki, Reg. 37,236

PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT

UNDER 37 CFR 1.324

Hon. Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

ATTENTION: SUPERVISORY PRIMARY EXAMINER

Dear Sir:

Due to an error without deceptive intent, the above referenced patent application was filed in the name of Thomas J. Lochtefeld, as a sole inventor, rather than in the names of Thomas J. Lochtefeld and Charles E. Sauerbier, the actual joint inventors. Accordingly,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas J. Lochtefeld  
Patent No.: 5,236,280  
Issue Date: August 17, 1993  
Serial No.: 07/577,741  
Filed: September 4, 1990  
For: METHOD AND APPARATUS FOR IMPROVING SHEET FLOW WATER RIDES

TRANSMITTAL LETTER

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J. John Shimazaki  
J. John Shimazaki, Reg. 37,236

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON D.C.

ATTENTION: SUPERVISORY PRIMARY EXAMINER

Dear Sir:

Enclosed is a Petition For Correction of Inventorship of Patent Under 37 C.F.R. 1.324 for the above referenced patent, including the following:

1. Petition For Correction of Inventorship of Patent Under 37 C.F.R. 1.324, including consent by the Assignee, Lightwave Ltd. (2 pages);
2. Check in the amount of \$130.00 under 37 C.F.R. 1.20(b);
3. A copy of Petition For Correction of Inventorship Under 37 C.F.R. 1.48(a) submitted in related U.S. Application Serial No. 08/475,092, which includes a verified statement of facts (5 pages);
4. A prepaid return postcard.

Respectfully Submitted,

J. John Shimazaki  
J. John Shimazaki  
Registration No. 37,236

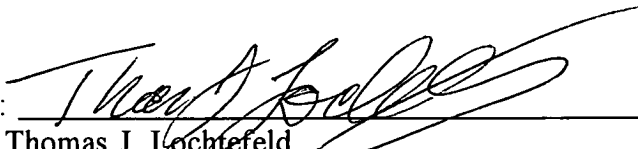
Enclosures  
jjs-4068

pursuant to 37 C.F.R. 1.324, please issue a certificate to amend the above referenced patent as follows: correct the inventorship to indicate that Thomas J. Lochtefeld and Charles E. Sauerbier are the first, original and joint inventors.

The circumstances giving rise to the error are described in the verified statement of facts contained in the enclosed copy of the Petition For Correction of Inventorship Under 37 C.F.R. 1.48(a), which was submitted in related U.S. Application Serial No. 08/475,092, filed June 7, 1995, now pending. Pursuant to the M.P.E.P. sections 1481 and 201.03, the "satisfactory proof of facts" required by 37 C.F.R. 1.324 is contained in the verified statement which relates to a similar inventorship error that occurred in the related case. Enclosed with this Petition are (a) the copy of the Petition For Correction of Inventorship Under 37 C.F.R. 1.48(a) submitted in the related case, (b) the fee set forth in 37 C.F.R. 1.20(b), (c) the signature of the originally named inventor, and (d) the written consent of the Assignee, Light Wave, Ltd., below.

Respectfully Submitted,

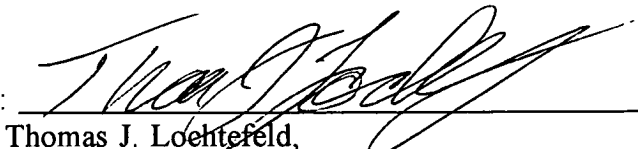
Dated: 11-10-95

By:   
Thomas J. Lochtefeld  
Original Named Inventor

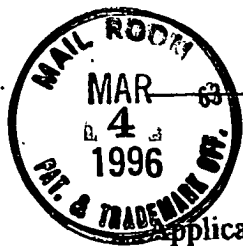
CONSENT GIVEN BY:

LIGHTWAVE, LTD., Assignee

Dated: 11-10-95

By:   
Thomas J. Lochtefeld,  
President of BLADE LOCH, INC.,  
General Partner of LIGHTWAVE,  
LTD.

jjs-4029



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas J. Lochtefeld  
Serial No.: 08/475,092  
Filed: June 7, 1995  
Title: BOAT ACTIVATED WAVE GENERATOR  
Examiner: Unknown  
Art Unit: Unknown

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks, Washington D.C. 20231 on:

Nov. 13, 1995  
(Date of Deposit)

  
John Shimazaki, Reg. 37,236

PETITION FOR CORRECTION OF INVENTORSHIP

UNDER 37 CFR 1.48(a)

Hon. Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Attention: SPECIAL PROGRAM EXAMINER

Dear Sir:

Due to an error without deceptive intent, the above referenced patent application ("Application") was filed in the name of Thomas J. Lochtefeld, as a sole inventor, rather than

in the names of Thomas J. Lochtefeld and Charles E. Sauerbier, the actual joint inventors.

Accordingly, pursuant to 37 C.F.R. 1.48(a), please amend the above referenced Application as follows: Correct the inventorship to indicate that Thomas J. Lochtefeld and Charles E. Sauerbier are the first, original and joint inventors.

The error occurred at the time the present Application was filed and was discovered soon thereafter. The circumstances giving rise to the error are as follows:

The original parent application, U.S. Serial No. 54,521, filed May 27, 1987, issued on December 20, 1988, as U.S. Patent No. 4,792,260 ("the Sauerbier patent"), and was directed to a "Tunnel Wave Generator." Charles E. Sauerbeir was the sole inventor of the invention contained in that patent application, and accordingly, filed that application in his name only.

Thereafter, Charles E. Sauerbier and Thomas J. Lochtefeld jointly filed several related applications directed to "Improvements in Surfing Wave Generators." These applications include U.S. Application Serial No. 286,964, filed December 19, 1988, which issued as U.S. Patent No. 4,954,014 on September 4, 1990; U.S. Application Serial No. 07/525,562, filed May 17, 1990, now abandoned; and U.S. Application Serial No. 795,231, filed November 15, 1991, which issued as U.S. Patent No. 5,171,101 on December 15, 1992. Each of these applications claimed priority from the Sauerbier patent and contained subject matter invented by both Thomas J. Lochtefeld and Charles E. Sauerbier.

Thomas J. Lochtefeld, then, by himself, filed several more related applications directed to "Sheet Flow Water Rides." These include U.S. Application Serial No. 577,741, filed September 4, 1990, which issued as U.S. Patent No. 5,236,280 on August 17, 1993; U.S. Application Serial No. 074,300, filed June 9, 1993, which issued as U.S. Patent No. 5,393,170

on February 28, 1995; and U.S. Application Serial No. 08/393,071, filed February 23, 1995, now pending. Each of these applications also attempted to claim priority from the Sauerbier patent despite the lack of a common named inventor.

Like the three previously mentioned applications that were filed in the name of Thomas J. Lochtefeld as a sole inventor, the present Application, which is directed to a "Boat Activated Wave Generator," was also filed in the name of Thomas J. Lochtefeld as a sole inventor. The present Application, however, also attempts to claim priority from all of the related applications, including the Sauerbier patent.

The error in not naming Charles E. Sauerbier as a joint inventor in the present Application, and in the three previously mentioned applications filed by Thomas J. Lochtefeld as a sole inventor, arose without deceptive intent because the nature of the invention(s), and the nature of each of the respective joint inventors' contributions to the invention(s), as well as the content of the claims, made it difficult to determine whether Charles E. Sauerbier actually contributed to the subject matter claimed in the applications. Indeed, at the time the applications were filed, the Applicant's attorney believed that although Charles E. Sauerbier contributed to the subject matter disclosed in each of the specifications, Thomas J. Lochtefeld was nevertheless the sole inventor of the subject matter disclosed in each of the claims that were filed with the applications. Upon carefully examining the history of the related cases, and considering the contributions made by the respective joint inventors, and the content of the claims, however, it was determined that Charles E. Sauerbier not only contributed to the subject matter disclosed in the specifications, but also to the subject matter disclosed in at least one claim of each of the above mentioned applications, including the present

## **Application.**

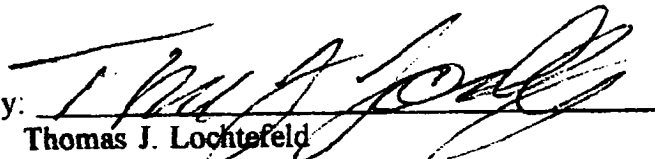
It is also important to note that the addition of Charles E. Sauerbier's name as a joint inventor in the present Application does not affect the respective ownership interests of the parties. This is because Charles E. Sauerbier had previously assigned his right, title and interest to and in each of the related applications, including the present Application, to Thomas J. Lochtefeld. The fact that adding Charles E. Sauerbier's name to the present Application does not affect the substantive ownership interests of any of the applications is a further indication that there was and is no deceptive intent involved.

For the foregoing reasons, the Applicant respectfully requests that the present Application be corrected to indicate that Thomas J. Lochtefeld and Charles E. Sauerbier are the first, original and joint inventors of the present Application. As required by 37 C.F.R. 1.48(a), enclosed are (1) the fee set forth in 37 C.F.R. 1.17(h), (2) the written consent of the assignee, Lightwave Ltd., below, and (3) the Declarations signed by both joint inventors, Thomas J. Lochtefeld and Charles E. Sauerbier.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application of patent issuing therefrom.

Respectfully Submitted,

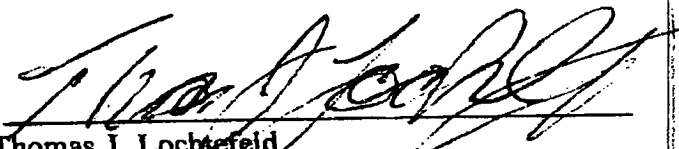
Dated: Nov 10, 1995

By:   
Thomas J. Lochtefeld  
Original Named Inventor

CONSENT GIVEN BY:

LIGHTWAVE, LTD., Assignee

Dated: Nov 10, 1995

By:   
Thomas J. Lochtefeld  
President of BLADE LOCH, INC.,  
General Partner of LIGHTWAVE,  
LTD.

jjs-4025